



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.11.2022

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.27104 of 2022

S.Elango

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Petitioner

versus

1.The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

2.The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.

...

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Criminal Procedure Code, praying to direct the second respondent police not to harass the petitioner under the guise of enquiry.

For Petitioner

: Mr.C.S.Saravanan

For Respondents

: Mr.S.Santhosh
Government Advocate (Crl. Side)



ORDER

This Criminal Original Petition has been filed to direct the second respondent police not to harass the petitioner under the guise of enquiry.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents.

3. The learned counsel for the petitioner submitted that the petitioner is working as Electrician in Uthangarai Town Panchayat Office; on 29.01.2021, a case has been registered against him in Crime No.29 of 2021 for an offence under Section 302 IPC and he was remanded to judicial custody and thereafter, he came out on bail. He further submitted that the petitioner did not involve in any criminal offence and none of his activities are suspicious in nature; the petitioner being summoned for the past one year and without any enquiry a case has been registered under Section 110 Cr.P.C. and the petitioner was produced before the Tahsildar, Uthangarai. Again the second respondent police contacted the petitioner on 18.09.2022



to appear as they need to register a case under Section 110 Cr.P.C. The petitioner gave representation to the respondents not to summon him as he is not involved in any offence.

4. The learned Government Advocate (Crl. Side) appearing for the respondents would submit that since the petitioner is an accused in a case registered under Section 302 IPC, it is the duty of the second respondent police to enquire him as and when necessary; a history sheet has also been opened against the petitioner.

5. The fact that the petitioner is an accused in a murder case in Crime No.29 of 2021 is not denied. The petitioner has stated that he is not involved in any such offence. The petitioner is an accused in a serious case and hence, it would necessitate the second respondent police to ensure that the petitioner is not involved in any criminal activities. It is learnt that the history sheet has also been opened against him.



6. However, the petitioner had given a representation by stating that he should not be harassed in the guise of enquiry under Section 110 Cr.P.C. and he cannot be always viewed in a suspicious nature. Even if a history sheet is opened against the petitioner, he is under the vigilance of the respondents and hence the respondents can review the conduct of the petitioner by taking into consideration of various factors and do the needful in accordance with law. The petitioner is at liberty to give a representation to the respondents for removing him from the history sheet, if he is so advised.

7. With these observations, this Criminal Original Petition is disposed of.

07.11.2022

Speaking order / Non-speaking order

Index : Yes / No

Internet : Yes

sri



- 1.The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
- 2.The Inspector of Police,
Uthangarai Police Station,
Krishnagiri District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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R.N.MANJULA, J.

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